

EXHIBIT F

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

**IN RE: NATIONAL PRESCRIPTION
OPIATE LITIGATION**

THIS DOCUMENT RELATES TO:

“Track One Cases”

**MDL No. 2804
Case No. 17-md-2804
Judge Dan Aaron Polster**

WALMART’S POSITION STATEMENT ON PHARMACIST TRIAL WITNESSES

In its Order concerning Track One-B dated April 29, 2020 (“Order”), the Court directed Pharmacy Defendants to submit a notice identifying the “pharmacist witnesses” whom they intend to call at trial in Track One-B. The Order did not define the term “pharmacist witness,” but Walmart Inc. (“Walmart”) understands it to mean individuals who would testify about their time working as a licensed pharmacist in a Walmart pharmacy in Summit or Cuyahoga Counties and was not meant to sweep in any witness that may currently or in the past hold a pharmacist license. On that understanding, Walmart does not intend to call a pharmacist witness at trial in Track One-B.

The Court further directed Pharmacy Defendants to “explain the extent to which plaintiffs should be allowed to call pharmacist witnesses, and why.” As a general matter, Walmart's position is that the permissibility of calling such a witness would depend on the same considerations that apply to any other fact witness, including the proposed subject matter of the testimony and the needs of the case. Here, plaintiffs never indicated during Track One-A that they intended to call a Walmart pharmacist witness in a distribution-only case and the Sixth Circuit has struck their dispensing claims. In all events, since Walmart will not be calling pharmacist witnesses, there is no reason for plaintiffs to do so.

Walmart continues to maintain, as Pharmacy Defendants explained in their “Position Statement Regarding Effect of Mandamus on Track One-B Discovery and Case Management” submitted on April 23, 2020, that fact and expert discovery in Track One-B is and must remain closed. Allowing plaintiffs to use any dispensing-related discovery produced in Track One-B, including dispensing data, would run afoul of the Sixth Circuit’s mandate in its mandamus ruling.

Dated: May 19, 2020

Respectfully submitted,

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CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that the foregoing document was served via email on all counsel of record on May 19, 2020.

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